THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 11456 of 2007

DATE: 30-07-2007

Between :

Maredupaka Ramesh

… Petitioner

And

Andhra Pradesh State Civil Supplies Corporation Ltd.,
Rep., by its Commissioner,
Hyderabad and 3 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 11456 of 2007

ORDER:

This writ petition is filed seeking a declaration that the action of the second respondent in rejecting the tender of the petitioner as arbitrary and contrary to the terms and conditions of the tender notice dated 21-05-2007.

The first respondent Andhra Pradesh State Civil Supplies Corporation issued tender notice dated 21-05-2007 inviting sealed tenders for transportation of essential commodities under stage-II from the M.L.S point to the Fair Price shops specified thereunder for the year 2007-2008. The petitioner submitted his tender for transportation of essential commodities from MLS point Ghanpur. The fourth respondent herein was also one of the bidders. On opening the tenders on 30-05-2007, it was found that the petitioner's bid was the lowest. However, instead of accepting the petitioner's tender, the second respondent by letter dated
31-05-2007 informed the petitioner that his tender was rejected as he suffered disqualification under condition No.2 of the tender notice. Aggrieved by the said action, this writ petition has been filed.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents 1 to 3 and learned counsel appearing for the fourth respondent.

It is not in dispute that there is a specific clause under the terms and conditions of the tender notice as under:

> "The existing stage-I contractors of the District, his representatives and Fair Price Shop dealers prohibited from participating the tenders."

Though the petitioner is not an existing stage-I contractor or a fair

price shop dealer, it is not in dispute that the petitioner's wife is a fair price shop dealer.

In the counter affidavit filed on behalf of the respondents 1 to 3, it is explained that since the tender is for transporting essential commodities to fair price shops, the participation of the petitioner whose wife is a fair price shop dealer is not desirable.

The law is well settled that it is for the tender inviting authority to prescribe the tender conditions keeping in view the nature of the work for which the tenders are invited. It is also open to them to interpret the standards prescribed in a particular manner and as long as the action of the authority is not tainted by favouritism or arbitrariness, this Court will not interfere though it is possible to read or construe the conditions differently.

In the case on hand, as rightly contended by the Corporation, since the contractor is required to deal with the essential commodities meant for distribution to fair price shops, it is necessary for the Corporation to take all the precautions to avoid any kind of diversion of the stocks. Since the wife of the petitioner is admittedly a fair price shop dealer, the respondents thought it fit not to award the contract to the petitioner notwithstanding the fact that he was the lowest bidder. Such decision, which is in the interest of public, cannot be termed as arbitrary or illegal particularly in the absence of allegation of any malafadies.

Accordingly, the writ petition, which is devoid of any merit, is hereby dismissed. No costs.

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G. ROHINI, J

Date: 30-07-2007
KLP